

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 00-CR-113

JULIO RODRIGUEZ-CRUZ,

Defendant.

DECISION AND ORDER

Before the Court is Defendant Julio Rodriguez-Cruz's (Rodriguez-Cruz) motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c), which allows a court to reduce a sentence if (1) the U.S. Sentencing Commission (Commission) has lowered the applicable guideline range, and (2) the reduction is consistent with applicable policy statements issued by the Commission.

In Rodriguez-Cruz's case the first criterion has been met. However, the Commission's policy statement at USSG § 1B1.10(e)(1) provides that defendants with a release date prior to November 1, 2015 are ineligible for reduction under Amendment 782. According to the Bureau of Prisons website at bop.gov, Rodriguez-Cruz's release date is currently October 18, 2015. Thus, Rodriguez-Cruz fails to meet the second criterion and is

ineligible for a reduction. Accordingly, his motion must be denied.

IT IS HEREBY ORDERED THAT:

Rodriguez-Cruz's motion to reduce sentence (ECF No. 130) is
DENIED.

Dated at Milwaukee, Wisconsin, this 28th day of May, 2015.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge